

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

In the matter of:

JOSEPH G. DUMOUCHELLE, and
MELINDA J. ADDUCCI,
Debtor(s)

Bankruptcy Petition No. 19-54531-lsg
Hon. Lisa S. Gretchko
Chapter 7

TEODOR GELOV,
Plaintiff,
v.
JOSEPH G. DUMOUCHELLE, and
MELINDA J. ADDUCCI,
Defendant(s)

Adv. Pro. No. 20-04172-lsg
Hon. Lisa S. Gretchko

MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT

NOW COMES the law firm of JOHN R. FOLEY, P.C. (“Petitioner”), by attorney Patrick A. Foley (P74323), who hereby moves to withdraw as counsel for JOSEPH G. DUMOUCHELLE and MELINDA J. ADDUCI, (collectively, “Clients”), by entry of an Order for Withdraw of Counsel, in substantially the same form attached hereto as **Exhibit 1**. Petitioner, for its motion, states:

1. Clients retained Petitioner pursuant to a retainer agreement on or about July 1, 2020.
2. Petitioner represents Clients in the above captioned case/proceeding.
3. Michigan Rule of Professional Conduct (MRPC) 1.6(b) provides the following grounds for representation:

(3) the client insists upon pursuing an objective that the lawyer considers repugnant or imprudent;

(4) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;

(5) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or

(6) other good cause for withdrawal exists.

4. There has been a breakdown of the attorney client relationship to the extent that Petitioner can no longer serve as counsel for Clients. Specifically grounds exist for Petitioner's withdraw under MRPC 1.6(b)(4), MRPC 1.6(b)(5), and now under MRPC 1.6(b)(3) & (6), which has necessitated the filing of this motion.

5. Petitioner has notified Clients by electronic mail that he would be requesting withdrawal from this case, by way of motion to this Court. Additionally, Clients will be served with a copy of this motion, and due Notice.

6. For this reason, counsel requests an order authorizing its withdrawal as counsel pursuant to Michigan Rules for Professional Conduct §1.16(b).

WHEREFORE, JOHN R. FOLEY, P.C. and Patrick A. Foley respectfully request that this Court enter an order substantially similar to that attached hereto as **Exhibit 1**, for the withdraw of JOHN R. FOLEY, P.C. and Patrick A. Foley as

attorneys for JOSEPH G. DUMOUCHELLE and MELINDA J. ADDUCI, and grant such other or further relief that the Court may deem appropriate.

Respectfully Submitted,
JOHN R. FOLEY, P.C.
Counsel for Defendant

Date: September 15, 2023

By: /s/ Patrick A. Foley
Patrick A. Foley (P74323)
18572 W. Outer Drive
Dearborn, MI 48128
Phone: (313) 274-7377
Fax: (313) 274-5946
Email: pafoley@jrfpc.net

Exhibit 1

Proposed Order

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

In the matter of:

JOSEPH G. DUMOUCHELLE, and
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Bankruptcy Petition No. 19-54531-lsg
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TEODOR GELOV,
Plaintiff,

Adv. Pro. No. 20-04172-lsg
Hon. Lisa S. Gretchko

v.
JOSEPH G. DUMOUCHELLE, and
MELINDA J. ADDUCCI,
Defendant(s)

**ORDER AUTHORIZING WITHDRAWAL OF JOHN R. FOLEY, P.C. AS
COUNSEL FOR JOSEPH DUMOUCHELLE AND MELINDA ADDUCCI**

THIS MATTER having come before this Court upon the Motion to Withdraw as Counsel for Joseph DuMouchelle and Melinda Adduci (the “Motion”) filed by John R. Foley, P.C. and Patrick A. Foley (P74323) (collectively, “JRFPC”); notice of the Motion having been provided to all parties in interest; no objections having been timely filed and served, or any such timely filed and served objections having been overruled; and the Court being otherwise duly advised in the premises;

NOW THEREFORE;

IT IS HEREBY ORDERED that the Motion is granted in all respects.

IT IS FURTHER ORDERED that JRFPC shall be and is permitted to withdraw as counsel for Joseph DuMouchelle and Melinda Adduci in connection

with the above-captioned bankruptcy case, effective immediately.

IT IS FURTHER ORDERED that JRFPC is hereby relieved of any further obligations and/or responsibilities as counsel for Joseph DuMouchelle and Melinda Adduci in any capacity, effective immediately.

IT IS FURTHER ORDERED that notwithstanding the provisions of Rule 62(a) of the Federal Rules of Civil Procedure and/or any other applicable rule or statutory provision, this Order shall not be stayed for fourteen (14) days after the entry hereof, but shall be effective and enforceable immediately upon entry hereof.

IT IS FURTHER ORDERED that this Court retains jurisdiction to enforce and interpret this Order.

Exhibit 2

Notice & Opportunity to Respond

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

In the matter of:

JOSEPH G. DUMOUCHELLE, and
MELINDA J. ADDUCCI,
Debtor(s)

Bankruptcy Petition No. 19-54531-lsg
Hon. Lisa S. Gretchko
Chapter 7

TEODOR GELOV,
Plaintiff,

Adv. Pro. No. 20-04172-lsg
Hon. Lisa S. Gretchko

v.
JOSEPH G. DUMOUCHELLE, and
MELINDA J. ADDUCCI,
Defendant(s)

**NOTICE OF MOTION TO WITHDRAW AS COUNSEL FOR JOSEPH
DUMOUCHELLE AND MELINDA ADDUCCI**

PLEASE TAKE NOTICE that John R. Foley, P.C., and Patrick A. Foley (collectively, “JRFPC”), has filed a Motion to Withdraw as Counsel for Joseph DuMouchelle and Melinda Adducci (the “Motion”).

Your rights may be affected. You may wish to review the Motion and discuss it with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you wish to object to the Court granting the relief sought in the Motion, or if you want the Court to otherwise consider your views on the Motion, within fourteen (14) days of service of the Motion, or such shorter time as the Court may hereafter order, you or your attorney must:

1. File with the Court a written response or an answer¹, explaining your position at:
 - United States Bankruptcy Court, 211 West Fort Street, Detroit, Michigan 48226

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

¹ Response or answer must comply with FED.R.CIV.P. 8(b), (c), and (e).

2. You must also mail a copy to both:

- John R. Foley, P.C., 18572 W. Outer Dr., Dearborn, MI 48128
- Office of the United States Trustee, 211 West Fort Street, Suite 700, Detroit, Michigan 48226

If a response or answer is timely filed and served, the clerk may schedule a hearing on the Motion and you will be served with a notice of the date, time, and location of the hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an Order granting the relief sought therein.

Respectfully Submitted,
JOHN R. FOLEY, P.C.
Counsel for Defendant

Date: September 15, 2023

By: /s/ Patrick A. Foley
Patrick A. Foley (P74323)
18572 W. Outer Drive
Dearborn, MI 48128
Phone: (313) 274-7377
Fax: (313) 274-5946
Email: pafoley@jrfpc.net

Exhibit 3

Brief in Support

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

In the matter of:

JOSEPH DUMOUCHELLE FINE &
ESTATE JEWELLERS, L.L.C.,
Debtor.

Bankruptcy Petition No. 19-56239-lsg
Hon. Lisa S. Gretchko

TEODOR GELOV,
Plaintiff,

Adv. Pro. No. 20-04172-lsg
Hon. Lisa S. Gretchko

v.
JOSEPH G. DUMOUCHELLE, and
MELINDA J. ADDUCCI,
Defendant(s)

BRIEF IN SUPPORT OF MOTION TO WITHDRAW

NOW COMES the law firm of JOHN R. FOLEY, P.C. (“Petitioner”), by attorney Patrick A. Foley (P74323), and in support of Petitioner’s Motion to Withdraw, states:

1. Petitioner relies on the law, rules, and arguments set forth in the Motion to Withdraw, and incorporates the same, as though fully set forth herein.

WHEREFORE, JOHN R. FOLEY, P.C. and Patrick A. Foley respectfully request that this Court grant Petitioner’s Motion to Withdraw as Counsel.

Respectfully Submitted,
JOHN R. FOLEY, P.C.
Counsel for Defendant

Date: September 15, 2023

By: /s/ Patrick A. Foley
Patrick A. Foley (P74323)
18572 W. Outer Drive
Dearborn, MI 48128
Phone: (313) 274-7377
Email: pafoley@jrfpc.net

Exhibit 4

Proof of Service

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
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Adv. Pro. No. 20-04172-lsg
Hon. Lisa S. Gretchko

CERTIFICATE OF SERVICE

Patrick A. Foley hereby certifies that on September 15, 2023 copies of the *Motion to Withdraw as Counsel, proposed Order, Notice, and Certificate of Service* were served upon the following parties via the Court's CM/ECF (PACER) system, and/or by United States Postal Service First Class Mail:

Office of the United States Trustee	Melinda Adducci VIA Email
All parties receiving notice via the Court's CM/ECF (PACER) filing system	Melinda Adducci PO Box 3223 Palm Beach, FL 33480
Joseph DuMouchelle #57969-039 P.O. Box 779800 FCI Miami Miami, FL 33177-9800	Joseph DuMouchelle #57969-039 FCC Coleman Camp P.O. Box 1027 Coleman, FL 33521

(Signature on following page)

Respectfully Submitted,
JOHN R. FOLEY, P.C.
Counsel for Defendant

Date: September 15, 2023

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Patrick A. Foley (P74323)
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